

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

**Wells Fargo Bank, N. A. as Trustee for
National City Mortgage Loan Trust
2005-1, Mortgage-Backed Certificates,
Series 2005-1**

Plaintiff,

Case No. C-3-07-433

Judge Thomas M. Rose

-v-

Sandra L. Toler, et al.,

Defendant.

**ENTRY AND ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS
FOR FORBEARANCE PLAN (Doc. # 9)**

Now before the Court is Plaintiff's Motion To Dismiss its complaint in foreclosure. Plaintiff seeks to dismiss its foreclosure complaint because the Plaintiff and the Defendant have entered into the Forbearance Plan. Because of the existence of the Forbearance Plan, there is presumably no longer a case or controversy between the Parties. Without a case or controversy, the Plaintiff has no standing and this Court has no subject matter jurisdiction over Plaintiff's Complaint. Therefore, Plaintiff's Motion To Dismiss is GRANTED and Plaintiff's Complaint is DISMISSED without prejudice at Plaintiff's costs. The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Eleventh day of December, 2007.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record